

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. By virtue of the foregoing amendments, Claims 26-33 have been canceled without prejudice or disclaimer of the subject matter contained therein. In addition, Claims 10 and 34 have been amended. Accordingly, Claims 10-13, 21-25 and 34-37 are pending for examination in the present application.

No new matter has been presented by way of the claim amendments and such amendments are deemed unobjectionable. Entry thereof is respectfully requested.

Allowable Subject Matter

The indication that Claims 35-37 are allowed and that Claim 33 is objected to as being dependent upon a rejected base claim but is otherwise allowable is noted with appreciation. By virtue of the amendments above, independent Claim 10 has been amended to include all of the elements contained in allowable Claim 33. It is therefore respectfully submitted that independent Claim 10 and the claims that depend therefrom are allowable.

In addition, Claim 34 has been amended to correct a typographical error. More particularly, Claim 34 has been amended to depend from Claim 10 and is thus also allowable.

Election/Restriction

The Official Action states that the Restriction requirement of Claims 26-32 has previously been made final and that it would be a serious burden on the Examiner to examine these claims. Although Applicants respectfully disagree with this assertion for at least the reasons set forth in the previously filed Amendment, the Applicants have canceled Claims 26-32 to further prosecution of the present application.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 10-13, 21-25, and 34 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the disclosure contained in U.S. Patent No. 4,997,030 to Goto et al. This rejection is respectfully traversed because the claimed invention as set forth in independent Claim 10 and the claims that depend therefrom are patentably distinguishable over the disclosure contained in the Goto et al. document.

As stated hereinabove, Claim 10 has been amended to incorporate all of the elements of allowable Claim 33. Therefore, the rejection of Claim 10 and the claims that depend therefrom is now considered moot. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claim 10 and its dependent claims and to issue an indication that these claims are allowable over the disclosure contained in Goto et al.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.


Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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By



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